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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s) Kanevsky et al.
Docket No.: YOR920000049US1
Serial No.: 09/558,372
Filing Date: April 26, 2000
Group: 2616
Examiner: Kevin C. Harper

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, VA 22313-1450

Signature: Kevin M. Mason Date: September 20, 2006

Title: Method and Apparatus for Transmitting Data in a Packet Network

TRANSMITTAL OF REPLY BRIEF

Mail Stop Appeal Brief - Patents
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

(1) Reply Brief.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **IBM Corporation Deposit Account No. 50-0510** as required to correct the error. A duplicate copy of this letter is enclosed.

Respectfully submitted,

Kevin M. Mason

Dated: September 20, 2006

Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560



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REPLY BRIEF

20 Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
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25 Sir:

Appellants hereby reply to the Examiner's Answer, mailed July 27, 2006 (referred to hereinafter as "the Examiner's Answer"), in an Appeal of the final rejection of claims 1-24 in the above-identified patent application.

30

REAL PARTY IN INTEREST

A statement identifying the real party in interest is contained in Appellants' Appeal Brief.

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RELATED APPEALS AND INTERFERENCES

A statement identifying related appeals is contained in Appellants' Appeal Brief.

STATUS OF CLAIMS

A statement identifying the status of the claims is contained in Appellants' Appeal Brief.

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STATUS OF AMENDMENTS

A statement identifying the status of the amendments is contained in Appellants' Appeal Brief.

SUMMARY OF CLAIMED SUBJECT MATTER

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A Summary of the Invention is contained in Appellants' Appeal Brief.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A statement identifying the grounds of rejection to be reviewed on appeal is contained in Appellants' Appeal Brief.

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CLAIMS APPEALED

A copy of the appealed claims is contained in an Appendix of Appellants' Appeal Brief.

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ARGUMENT

In the Response to Arguments section of the Examiner's Answer, the Examiner maintains that each data packet is a biometric portion, and that all respective data packets represent a signature to verify the user in Deschrijver.

As Appellants have noted, DeSchrijver discloses the input of a signature; DeSchrijver does *not* address the issue of *biometric portions for identifying or verifying a user* and does *not* disclose or suggest that the signature contains a *plurality of biometric portions*. For a detailed discussion of biometric portions, see United States Patent Application Serial Number 09/467,581, filed December 20, 1999, entitled "Methods and Apparatus for Restricting Access of a User Using Random Partial Biometrics," incorporated by reference in the present disclosure. In particular, United States Patent Application Serial Number 09/467,581 teaches that,

upon a user request to access a secure device or facility, a portion of digitized user biometric data is sent to a central biometric security system to identify (or verify the identity of) the user. The portion of the digitized user biometric data can include a portion of a digitized image, for example, when the biometric data consists of a fingerprint, facial characteristic or handwriting characteristic, or a portion of speech segments when the biometric data consists of voice characteristics. Since only a random portion of the potentially confidential biometric information is being transmitted, the present invention allows the biometric portions to be transmitted over unsecured communication lines, and even if captured by an eavesdropper, the full biometric image is not obtained.

(Summary of the Invention.)

Thus, *biometric portions are, for example, portions of biometric information which contain enough information to identify (or verify the identity of) a user, but which do not contain the entire biometric information.* Appellants note that data packets that contain parts of a signature are *not biometric portions* in the context of the present invention and as *required for proper operation of the invention*, as would be apparent to a person of ordinary skill in the art.

In the Response to Arguments section of the Examiner's Answer, the Examiner also maintains that the voice data of Barrett is transmitted in several packets, thus each packet is a biometric portion of the voice data.

As Appellants have noted, Barret teaches, for example, that

in accordance with the present invention, a method is defined for conveying digital audio data from a server to a client, so as to minimize errors. The method includes the steps of ***dividing the digital audio data among a plurality of temporally contiguous frames; each frame includes a successive portion of the digital audio data.*** A plurality of packets is used for conveying the digital audio data from the server to the client. ***Each packet includes a plurality of the frames interleaved in a predefined manner so that adjacent frames in each packet do not contain temporally contiguous portions of the digital audio data.*** The packets are transmitted from the server to the client. At the client, the frames included in the packets are deinterleaved, so that the portions of the digital audio data included in the frames are sequentially and temporally arranged in order.

(Col. 2, lines 18-32; emphasis added.)

Barrett does *not* address the issue of biometric information or *biometric portions for identifying or verifying a user.* Appellants also note that Barrett does not disclose or

suggest *creating biometric portions, as defined in the present specification and as noted above, from biometric information.*

Thus, DeSchrijver, Pare, Jr., et al., and Barrett et al., alone or in combination, do not disclose or suggest wherein one or more of said plurality of biometric portions identifies or verifies said user, as required by independent claims 1, 5, 15, 16, 20, and 21, and do not disclose or suggest wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portion identifies or verifies a user, as required by independent claims 7, 11, 12, 17-19, and 22-24.

Conclusion

The rejections of the cited claims under sections 102 and 103 in view of DeSchrijver, Pare, Jr., and Barrett et al., alone or in any combination, are therefore believed to be improper and should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

The attention of the Examiner and the Appeal Board to this matter is appreciated.

Respectfully,



Kevin M. Mason
Attorney for Applicant(s)
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
(203) 255-6560

Date: September 20, 2006

APPENDIX

1. A method for transmitting biometric data in a network, comprising the steps of:

5 obtaining biometric information for a user;
obtaining a plurality of biometric portions from said biometric information, wherein one or more of said plurality of biometric portions identifies or verifies said user; and
10 transmitting said biometric portions to a destination using a plurality of packets.

2. The method of claim 1, wherein said user is provided access to a requested device, service or facility if said received biometric portions match corresponding biometric prototype portions.

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3. The method of claim 1, wherein said biometric information is a biometric image.

4. The method of claim 1, wherein said biometric information includes
20 speech segments.

5. A method for receiving biometric data in a network, comprising the steps of:

receiving a plurality of packets containing biometric portions
25 corresponding to a user, wherein one or more of said plurality of biometric portions identifies or verifies said user;
determining if said received packets provide sufficient data for processing;
and
evaluating said received packets if said received packets provide sufficient
30 data for processing.

6. The method of claim 5, wherein said received packets contain data that has been interchanged from a plurality of original packets and wherein said method further comprising the step of integrating said received packets to generate said original packets.

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7. A method for transmitting data in a packet network, comprising the steps of:

obtaining at least two packets of data for transmission, wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user;

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interchanging said data from said at least two packets to obtain at least two interchanged packets; and

transmitting said interchanged packets to a destination.

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8. The method of claim 7, wherein said interchanging step further comprises the steps of placing odd numbered frames from said at least two packets into a first interchanged packet and even numbered frames from said at least two packets into a second interchanged packet.

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9. The method of claim 7, wherein said interchanging step generates N interchanged packets and wherein said method further comprises the steps of placing every Nth frame in a given interchanged packet.

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10. The method of claim 7, wherein said packets of data include telephone data.

11. A method for receiving data in a packet network, comprising the steps of:

receiving a plurality of packets containing data that has been interchanged from a plurality of original packets, wherein said data comprises one or more biometric

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portions, wherein one or more of said one or more biometric portions identifies or verifies a user;

integrating said received packets to generate said original packets;

determining if said received packets provide sufficient data for processing;

5 and

processing said received packets if said received packets provide sufficient data for processing.

12. A method for transmitting data in a packet network, comprising the
10 steps of:

obtaining frames of data for transmission, wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user;

generating N interchanged packets by placing every Nth frame of data in a
15 given interchanged packet; and

transmitting said interchanged packets to a destination.

13. The method of claim 12, wherein said frames of data includes biometric information.
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14. The method of claim 12, wherein said frames of data includes voice data.

15. A system for transmitting biometric data in a network, comprising:
25 a memory that stores computer-readable code; and
a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to:
obtain biometric information for a user;
obtain a plurality of biometric portions from said biometric information,
30 wherein one or more of said plurality of biometric portions identifies or verifies said user;
and

transmit said biometric portions to a destination using a plurality of packets.

5 16. A system for receiving biometric data in a network, comprising:
a memory that stores computer-readable code; and
a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to:
receive a plurality of packets containing biometric portions corresponding to a user, wherein one or more of said plurality of biometric portions identifies or verifies
10 said user;
determine if said received packets provide sufficient data for processing;
and
evaluate said received packets if said received packets provide sufficient data for processing.

15 17. A system for transmitting data in a packet network, comprising:
a memory that stores computer-readable code; and
a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to:
20 obtain at least two packets of data for transmission, wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user;
interchange said data from said at least two packets to obtain at least two interchanged packets; and
25 transmit said interchanged packets to a destination.

18. A system for receiving data in a packet network, comprising:
a memory that stores computer-readable code; and
a processor operatively coupled to said memory, said processor configured
30 to implement said computer-readable code, said computer-readable code configured to:

receive a plurality of packets containing data that has been interchanged from a plurality of original packets, wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user;

5 integrate said received packets to generate said original packets;
 determine if said received packets provide sufficient data for processing;
and

 process said received packets if said received packets provide sufficient data for processing.

10

19. A system for transmitting data in a packet network, comprising:
a memory that stores computer-readable code; and
a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code configured to:

15 obtain frames of data for transmission, wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user;

 generate N interchanged packets by placing every Nth frame of data in a given interchanged packet; and

20 transmit said interchanged packets to a destination.

20. An article of manufacture for transmitting biometric data in a network, comprising:

25 a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising:

 a step to obtain biometric information for a user;
 a step to obtain a plurality of biometric portions from said biometric information, wherein one or more of said plurality of biometric portions identifies or verifies said user; and

30 a step to transmit said biometric portions to a destination using a plurality of packets.

21. An article of manufacture for receiving biometric data in a network, comprising:

a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising:

5 a step to receive a plurality of packets containing biometric portions corresponding to a user, wherein one or more of said plurality of biometric portions identifies or verifies said user;

a step to determine if said received packets provide sufficient data for processing; and

10 a step to evaluate said received packets if said received packets provide sufficient data for processing.

22. An article of manufacture for transmitting data in a packet network, comprising:

15 a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising:

a step to obtain at least two packets of data for transmission, wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions identifies or verifies a user;

20 a step to interchange said data from said at least two packets to obtain at least two interchanged packets; and

a step to transmit said interchanged packets to a destination.

23. An article of manufacture for receiving data in a packet network, comprising:

a computer readable medium having computer readable code means embodied thereon, said computer readable program code means comprising:

25 a step to receive a plurality of packets containing data that has been interchanged from a plurality of original packets, wherein said data comprises one or more biometric portions, wherein one or more of said one or more biometric portions
30 identifies or verifies a user;

a step to integrate said received packets to generate said original packets;
a step to determine if said received packets provide sufficient data for
processing; and

5 a step to process said received packets if said received packets provide
sufficient data for processing.

24. An article of manufacture for transmitting data in a packet network,
comprising:

10 a computer readable medium having computer readable code means
embodied thereon, said computer readable program code means comprising:

a step to obtain frames of data for transmission, wherein said data
comprises one or more biometric portions, wherein one or more of said one or more
biometric portions identifies or verifies a user;

15 a step to generate N interchanged packets by placing every Nth frame of
data in a given interchanged packet; and

a step to transmit said interchanged packets to a destination.

EVIDENCE APPENDIX

There is no evidence submitted pursuant to § 1.130, 1.131, or 1.132 or entered by the Examiner and relied upon by appellant.

RELATED PROCEEDINGS APPENDIX

There are no known decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 CFR 41.37.